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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,302	12/30/2003	Chih-Ping Hsu	030221	1672
23696 7590 02/23/2009 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				
EXAMINER GESESSE, TILAHUN				
ART UNIT 2618		PAPER NUMBER		
NOTIFICATION DATE 02/23/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/750,302

**Applicant(s)**

HSU ET AL.

**Examiner**

Tilahun B. Gesesse

**Art Unit**

2618

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16, 17 and 20-33 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-8, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 3, 9-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicant's arguments with respect to claims 1-3, 5-8, 10-15, 18-28 and 30-32 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-8, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oh et al (US 2004/013860) in view of Ariyoshi et al (US 6,961,362).

Claim 1, Oh et al. teaches a device in a Wireless communication system, (200 base station and mobile terminal of figure 2) in which communicates data block.

Oh et al. teaches a data processor (222) operative to process at least one data block, receive data block on at least one transport channel among a plurality of transport channels, and to provide a status of each of the at least one data block [0035] in which each received data block determined the status and based on the output status adjusted.

Oh et al. teaches a controller (outer loop power controller 770 or 730 of fig.7) operative to maintain a single signal quality (SIR) target for the plurality of transport channels, without maintaining an individual SIR target for each, transport channel, [0036], [0072] in which the data transmission sent on multiple channels and a final SIR target is maintained and the final SIR target may be set

equal to the highest SIR target for all transport channels and without maintaining an individual SIR target for each transport channel.

Oh et al. teaches adjust the single SIR target based on the status of the at least one data block received (224) and to use the single SIR target for power control of data transmission on the plurality of transport channels [0032, 0035] in which using single SIR target send power control command either up or down the transmission power level.

Oh et al. teaches determines status of data block received [0035] except in the current update interval. However, Ariyoshi et al. teaches the SIR value of the time interval TTI is contained to update the target SIR value for power control (see col. 8, lines 52-57).

It would have been obvious to one of ordinary skill in the wireless industry at the time of the invention was made to modify Oh et al. in updating the target SIR value within specific time interval, as taught by Ariyoshi et al. in order to avoid degradation of the system capacity or fading effect of the communication channels (calls) (col. 2, lines 35-39 of Ariyoshi).

Claims 2, 4, Oh et al teaches the controller is operative to increase the SIR target based on an up step if any one of the at least one data block is an erased data block and to decrease the SIR target based on a down step if all of the at least one data block is good data blocks [0035].

Claim 5, Oh et al. teaches an apparatus in a Wireless communication system, (200 base station and mobile terminal of figure 2) in which communicates data block.

Oh et al. teaches means for processing (222) at least one data block, receive data block on at least one transport channel among a plurality

of transport channels, and to provide a status of each of the at least one data block [0035] in which each received data block determined the status and based on the output status adjusted.

Oh et al. teaches means (outer loop power controller 770 or 730 of fig.7) for maintain a single signal quality (SIR) target for the plurality of transport channels, without maintaining an individual SIR target for each, transport channel, [0036], [0072] in which the data transmission sent on multiple channels and a final SIR target is maintained and the final SIR target may be set equal to the highest SIR target for all transport channels and with out maintaining an individual SIR target for each transport channel.

Oh et al. teaches means for adjusting the single SIR target based on the status of the at least one data block received (224) and to use the single SIR target for power Control of data transmission on the plurality of transport channels [0032, 0035] in which using single SIR target send power control command either up or down the transmission power level.

Oh et al. teaches determines status of data block received [0035] except in the current update interval. However, Ariyoshi et al. teaches the SIR value of the time interval TTI is contained to update the target SIR value for power control (see col. 8, lines 52-57).

It would have been obvious to one of ordinary skill in the wireless industry at the time of the invention was made to modify Oh et al. in updating the target SIR value within specific time interval, as taught by Ariyoshi et al. in order to avoid degradation of the system capacity or fading effect of the communication channels (calls) (col. 2, lines 35-39 of Ariyoshi).

Claim 6, Oh et al. teaches a device in a Wireless communication system, (200 base station and mobile terminal of figure 2) in which communicates data

block.

Oh et al. teaches a data processor (222) operative to process at least one data block, receive data block on at least one transport channel among a plurality of transport channels, and to provide a status of each of the at least one data block [0035] in which each received data block determined the status and based on the output status adjusted.

Oh et al. teaches a controller (outer loop power controller 770 or 730 of fig.7) operative to maintain a single signal quality (SIR) target for the plurality of transport channels, without maintaining an individual SIR target for each, transport channel, [0036], [0072] in which the data transmission sent on multiple channels and a final SIR target is maintained and the final SIR target may be set equal to the highest SIR target for all transport channels and with out maintaining an individual SIR target for each transport channel.

Oh et al. teaches adjust the single SIR target based on the status of the at least one data block received (224) and to use the single SIR target for power Control of data transmission on the plurality of transport channels [0032, 0035] in which using single SIR target send power control command either up or down the transmission power level.

Oh et al. teaches determines status of data block received [0035] except in the current update interval. However, Ariyoshi et al. teaches the SIR value of the time interval TTI is contained to update the target SIR value for power control (see col. 8, lines 52-57).

It would have been obvious to one of ordinary skill in the wireless industry at the time of the invention was made to modify Oh et al. in updating the target SIR value within specific time interval, as taught by Ariyoshi et al. in order to avoid degradation of the system capacity or fading effect of the communication

channels (calls) (col. 2, lines 35-39 of Ariyoshi).

Claim 7, Oh et al teaches each of the at least one transport channel is associated with a respective block error rate (BLER) target, and wherein the controller is operative to increase or decrease the SIR target to meet or exceed the BLER target for each of the at least one transport channel [0009] in which the target BLER is set below value or the target SIR exceed the BLER target.

Claim 8, Oh et al teaches the controller is operative to increase the SIR target by an up step having an adjustable size and to decrease the SIR target by a down step having an adjustable size [0035].

Claim 18, Oh et al teaches a transmit power control (TPC) processor operative to compare a received SIR for the data transmission against the SIR target and provide TPC commands used to adjust transmit power for the data transmission (see figure 2 and abstract).

Claim 19, Oh et al teaches the wireless communication system is a Code Division Multiple Access (CDMA) system [0005].

#### ***Allowable Subject Matter***

4. Claims 16-17, 20-33 are allowed.
5. Claims 3, 9-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B. Gesesse whose telephone number is 571-272-7879. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 17, 2009  
T.B.G

Tilahun B Gesesse  
Primary Examiner  
Art Unit 2618

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